

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Alan Doane, on January 27, 2017 at 8:00 AM, in Room 137 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Alan Doane, Chair (R)  
Rep. Seth Berglee, Vice Chair (R)  
Rep. Virginia Court, Vice Chair (D)  
Rep. Laurie Bishop (D)  
Rep. Bob Brown (R)  
Rep. Jennifer Eck (D)  
Rep. Bill Harris (R)  
Rep. Kathy Kelker (D)  
Rep. Casey Knudsen (R)  
Rep. Theresa Manzella (R)  
Rep. Nate McConnell (D)  
Rep. Shane A. Morigeau (D)  
Rep. Dale Mortensen (R)  
Rep. Zac Perry (D)  
Rep. Matt Regier (R)  
Rep. Lola Sheldon-Galloway (R)  
Rep. Barry Usher (R)  
Rep. Kirk Wagoner (R)

**Members Excused:**

Rep. Ellie Hill Smith (D)

**Members Absent:** None

**Staff Present:** Sara Fleming, Committee Secretary  
Helen Thigpen, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 44, 1/6/2017  
Executive Action: HB 247, HB 258, HB 230, HB 246, HB 251, HB 262, HB 273,  
HB 129

**HEARING ON HB 44****Opening Statement by Sponsor:**

00:00:05 Rep. Jeff Essmann (R), HD 54, opened the hearing on HB 44, Generally revise laws related to district court judge numbers.

**Proponents' Testimony:**

00:06:32 Chief Justice Mike McGrath, Montana Supreme Court  
[EXHIBIT\(juh20a01\)](#)

00:18:04 Kris Hansen, Self  
00:26:14 District Judge Greg Todd, Yellowstone County  
00:33:47 District Judge Greg Pinsky, Cascade County  
00:40:37 District Judge Mike Moses, Yellowstone County  
00:46:50 District Judge Heidi Ulbright, Flathead County  
00:50:29 District Judge John Larson, Missoula County

[EXHIBIT\(juh20a02\)](#)

[EXHIBIT\(juh20a03\)](#)

[EXHIBIT\(juh20a04\)](#)

00:53:58 Joe Sullivan, Montana State Bar  
01:00:00 Robin Driscoll, Yellowstone County  
01:01:07 Jessica Fehr, Yellowstone County  
01:05:57 Al Smith, Montana Trial Lawyers Association  
01:07:50 Lee Bruner, Montana Defense Trial Lawyers  
01:09:16 Mark Murphy, Montana County Attorneys Association (MCAA)  
01:12:20 Web Brown, Montana Chamber of Commerce  
01:13:40 Ed Bartlett, Montana State Bar

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:15:35 Rep. Bishop  
01:16:14 Rep. Hill Smith joined the meeting  
01:16:23 Robin Driscoll, Yellowstone County  
01:17:30 Rep. B. Brown  
01:18:07 Rep. Essman  
01:18:33 Robin Driscoll, Yellowstone County  
01:18:57 Rep. B. Brown  
01:19:15 Robin Driscoll, Yellowstone County  
01:19:25 Rep. Wagoner  
01:20:20 Chief Justice Mike McGrath, Montana Supreme Court  
01:21:01 Rep. Regier  
01:21:38 Beth McLaughlin, Montana Supreme Court  
01:23:43 Rep. Morigeau  
01:24:40 District Judge Larson, Missoula County  
01:29:38 Rep. McConnell  
01:30:35 District Judge Greg Todd, Yellowstone County

01:32:41 Rep. McConnell  
01:33:17 Chief Justice Mike McGrath, Montana Supreme Court  
01:34:36 Rep. McConnell  
01:35:12 Lee Bruner, Montana Defense Trial Lawyers  
01:36:50 Rep. Kelker  
01:37:34 District Judge Greg Todd, Yellowstone County  
01:39:11 Rep. Harris  
01:40:16 District Judge Greg Todd, Yellowstone County  
01:42:27 Rep. Harris  
01:42:30 District Judge Larson, Missoula County  
01:44:55 Chair Doane left the meeting  
01:45:10 Rep. McConnell  
01:45:21 Rep. Usher  
01:46:16 District Judge Greg Todd, Yellowstone County  
01:49:29 Rep. Sheldon-Galloway  
01:50:20 District Judge Greg Pinsky, Cascade County  
01:51:23 Rep. Manzella  
01:52:30 District Judge Greg Todd, Yellowstone County  
01:52:46 Rep. Bishop  
01:53:14 District Judge Greg Todd, Yellowstone County  
01:55:34 Vice Chair Court  
01:56:11 District Judge Greg Todd, Yellowstone County  
01:58:19 Rep. B. Brown  
01:59:03 Rep. Sheldon-Galloway  
01:59:34 Beth McLaughlin, Montana Supreme Court

**Closing by Sponsor:**

02:02:20 Rep. Essman

02:05:01 Recess

02:20:51 Reconvene

**EXECUTIVE ACTION ON HB 247**

02:21:38 **Motion:** Rep. Court moved that **HB 247 DO PASS.**

02:22:05 **Motion:** Rep. Court moved that **HB 247 BE AMENDED.**

**EXHIBIT(juh20a05)**

**Discussion:**

02:22:21 Helen Thigpen, Legislative Services Division (LSD)

02:23:09 Rep. McConnell

02:23:55 Rep. Wagoner

02:24:00 Vice Chair Berglee

02:24:14 **Vote:** Motion carried unanimously by voice vote. Rep. Doane, Rep. Harris and Rep. C. Knudsen voted by proxy.

02:24:44 **Motion/Vote:** Rep. Court moved that **HB 247 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Doane, Rep. Harris and Rep. C. Knudsen voted by proxy.

**EXECUTIVE ACTION ON HB 258**

02:25:45 **Motion:** Rep. Court moved that **HB 258 DO PASS**.

**Discussion:**

02:26:02 Rep. Hill Smith  
02:27:03 Rep. Eck  
02:27:27 Vice Chair Court  
02:28:06 Rep. Usher  
02:29:12 Rep. Bishop  
02:30:04 Rep. Sheldon-Galloway  
02:31:49 Rep. Eck  
02:32:25 Rep. Usher  
02:33:05 Vice Chair Court  
02:34:21 Vice Chair Berglee  
02:34:36 Rep. Hill Smith

02:35:50 **Vote:** Motion carried 17-2 by roll call vote with Rep. Doane and Rep. Usher voting no. Rep. Doane, Rep. Harris and Rep. C. Knudsen voted by proxy.

**EXECUTIVE ACTION ON HB 230**

02:37:26 **Motion:** Rep. Court moved that **HB 230 DO PASS**.

**Discussion:**

02:37:57 Rep. McConnell  
02:38:03 Helen Thigpen, LSD  
02:38:25 Rep. Eck  
02:38:56 Rep. Wagoner  
02:39:32 Rep. Kelker  
02:40:13 Rep. McConnell  
02:40:42 Rep. Usher  
02:41:48 Rep. Regier

02:42:11 **Vote:** Motion carried unanimously by roll call vote. Rep. Doane, Rep. Harris and Rep. C. Knudsen voted by proxy.

**EXECUTIVE ACTION ON HB 246**

02:43:30 **Motion:** Rep. Court moved that **HB 246 DO PASS**.

**Discussion:**

02:43:42 Vice Chair Berglee  
02:44:00 Rep. Eck  
02:44:28 Rep. Kelker  
02:44:59 Rep. McConnell

02:45:37 Rep. Wagoner  
02:46:38 Vice Chair Court  
02:47:06 Rep. Wagoner  
02:47:54 Rep. Morigeau  
02:48:36 Rep. Usher  
02:50:16 Vice Chair Berglee

02:51:41 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Doane, Rep. Harris and Rep. C. Knudsen voted by proxy.

#### **EXECUTIVE ACTION ON HB 251**

**Motion:** Rep. Wagoner moved that **HB 251 DO PASS.**

02:53:12 **Motion:** Rep. Wagoner moved that **HB 251 BE AMENDED.**  
**EXHIBIT(juh20a06)**

#### **Discussion:**

02:53:33 Rep. Wagoner  
02:54:50 Rep. Morigeau

02:56:11 **Vote:** Motion carried 16-3 by roll call vote with Rep. Eck, Rep. McConnell and Rep. Morigeau voting no. Rep. Doane, Rep. Harris and Rep. C. Knudsen voted by proxy.

02:57:27 **Motion/Vote:** Rep. Wagoner moved that **HB 251 DO PASS AS AMENDED.**  
Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Doane, Rep. Harris and Rep. C. Knudsen voted by proxy.

#### **EXECUTIVE ACTION ON HB 262**

02:59:06 **Motion:** Rep. Court moved that **HB 262 DO PASS.**

#### **Discussion:**

02:59:40 Rep. Eck  
03:00:23 Rep. Mortensen  
03:01:02 Rep. Hill Smith  
03:02:03 Vice Chair Berglee

03:05:00 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Doane, Rep. Harris and Rep. C. Knudsen voted by proxy.

**EXECUTIVE ACTION ON HB 273**

03:06:19     **Motion:** Rep. Usher moved that **HB 273 DO PASS.**

**Discussion:**

03:06:45     Helen Thigpen, LSD

03:07:11     Rep. Usher

03:08:39     Rep. McConnell

03:09:00     Rep. Wagoner

03:09:46     **Vote:** Motion carried unanimously by voice vote. Rep. Doane, Rep. Harris and Rep. C. Knudsen voted by proxy.

**EXECUTIVE ACTION ON HB 129**

03:10:36     **Motion/Vote:** Rep. Wagoner moved that **HB 129 BE REMOVED FROM TABLE.** Motion carried 16-0 by voice vote.

03:11:35     **Motion/Vote:** Rep. Wagoner moved that **HB 129 DO PASS AS AMENDED.** Motion carried 16-3 by voice vote with Rep. Doane, Rep. Manzella and Rep. M. Regier voting no. Rep. Doane, Rep. Harris and Rep. C. Knudsen voted by proxy.

**ADJOURNMENT**

Adjournment: 03:13:21

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Sara Fleming, Secretary

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Additional Documents:

**EXHIBIT([juh20aad.pdf](#))**